

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON SEPTEMBER 4, 2002**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
Jay Jenkins
Walter Montgomery, Secretary

Member Absent : William Hoffman

Also Present: Lino Sciarretta, Village Counsel
Joseph Elliot, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes

IPB Matters Considered:

94-03 – Westwood Development Associates, Inc. -- Phase 1 (Tract A)
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J

00-40 – Astor Street Associates, LLC – Astor Street (MTA Sub-Station)
Sht. 7, Portion of P-25000

01-26 – Danfor Realty – Harriman Road
Sht. 13B, P-5, P-5C

01-56 – John & Tara Mascone – 1 Shady Lane (Amendment)
Sht. 13B, Lot P-5B

02-04 – Joseph DeMatteo – 39 North Brook Lane
Sht. 12B, Lot 31

02-11 – Geraldine McGowan-Hall – 200 Mountain Road/Hermits Road (addition)
Sht. 11, Lot P7J

02-15 – RER Development Corp. – 290 Riverview Road
Sht. 10C, Bl. 226, Lot 24B

02-38 – Frank Petrilli & Diana Torres-Petrilli – 22 Connor Court
Sht. 12B, Lot 48

02-39 – Ardsley Country Club – North Mountain Drive
Sht. 12A, Lot P-93

02-40 – Shane & Michelle Coppola – 33 Ardsley Avenue East
Sht. 13, Lot P-151

02-41 – Dan & Elise Gilbert – 20 Hillside Terrace
Sht. 10D, Bl. 243, Lot 28, 29

Carried Over: 02-37 – Alex & Lori Riseman – 6 Meadow Way
Sht. 100, Bl. 243, Lot 5, 5A, 6

Taken Off Agenda: 02-26 – Michael-Jason Development Corp. – 4 Dows Lane
Sht. 7B, Bl. 249, Lot P-77C

The Chairman called the meeting to order at 8:11 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

IPB Matter #94-03:

**Application of Westwood Development Associates, Inc. for Final Subdivision Approval and Limited Site Development
Plan Approval for property at Broadway, Riverview Road and Mountain Road – Phase I (Tract A).**

Mr. Pat Steinschneider and Mr. Charles Pateman represented the Application, for which Final Subdivision Plan Approval and Limited Site Development Plan Approval were granted in April (subject to the signing of the plat). Mr. Steinschneider distributed to the Board a draft of the proposed Westwood (aka Dearman Park) Homeowners' Association agreement (Sponsors' Certification for CPS-7) and cited materials delivered to the I.P.B. to meet requirements for the signing of the plat by the Chairman and Secretary. The plat and changes to it were also reviewed. The Chairman directed that several notes be added to the plat, including notes stating that setback requirements and driveway locations can be modified "at the sole discretion" of the I.P.B. The Chairman said that the next step is for the application to go to the Village Board of Trustees, then to the Health Department and then back to the I.P.B for signature of the Chairman and Secretary.

IPB Matter #02-15:

Application of RER Development for Site Development Plan Approval for Property at 209 Riverview Road.

Mr. Renato Rancic appeared for the Application. This application was previously heard at the August 7, 2002 meeting (originally presented April 3, 2002, Public Hearing set at July 10, 2002 meeting.) The Applicant is proposing to demolish an existing structure and construct a new single-family residence.

The Chairman re-opened the public hearing on this matter. Village Counsel indicated that the issue regarding access to the site had been resolved, and that the matter could move forward. There were no comments from the public, those from Mr. Mastromonaco were considered, and the Chairman closed the hearing.

The Board determined that the application is for a Type II Action under SEQRA. Upon motion duly made and seconded, the Board granted site development approval for plans entitled Proposed Residence for Renato Rancic on a Lot on Riverview Road by Escaladas Associates dated March 20, 2002 revised July 20, 2002, five (5) sheets.

IPB Matter #02-04:

Application of Joseph DeMatteo for Re-subdivision Approval or Waiver for property at 39 North Brook Lane.

David Steinmetz, Esq. represented the Applicant. The Board had previously approved a re-subdivision of the property in July 2002, however deferred signing of the resolution and plat pending modification to the resolution of approval. The Chairman had circulated a draft of the resolution for consideration by the Board.

There were no further comments regarding the resolution. Mr. Steinmetz said the plat does not need to be filed, since it is not a subdivision plat but a lot-line change. Mr. Sciarretta differed, but asked for Mr. Steinmetz's opinion on this matter in writing.

The Board signed the resolution (see attached), and the Chairman and Secretary signed the plat.

IPB Matter #02-40:

Application of Shane & Michelle Coppola for Site Development Plan Approval for Property at 33 Ardsley Avenue East.

David Steinmetz, Esq. and Craig Studer, landscape architect, represented the Applicant, who is seeking to construct an in-ground pool and undertake related terrace and other work. The Applicant submitted plans entitled, Coppola Residence, by Studer Design Associates, dated August 19, 2002, two sheets.

Mr. Steinmetz said the applicant needs approval for the location of the proposed pool and that a variance would be needed from the Zoning Board of Appeals with regard to coverage. Mr. Struder said no trees will come down. Mr. Steinmetz affirmed that there will be no kitchen in the proposed new pool house structure. Mr. Marron said the

drainage plans are satisfactory. Comments from Mr. Mastromonaco and the ECB were considered.

Mr. Steinmetz asked whether the backyard location for the pool was acceptable; Mr. Marron said the proposed location does not violate rear-yard setback requirements. The Board determined that the application was otherwise complete, and scheduled a public hearing on site development plan approval for the October meeting

IPB Matter #00-40:

**Application of Astor Street Associates, LLC
For Subdivision and Site Development Plan
Approval for Property at Astor Street (MTA
Sub-Station).**

Paul Sirignano, Esq., represented the Applicant. This matter, a continuation, involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates.

Mr. Sirignano said the requisite affordable-housing agreement had been executed by both the Applicant and the Village, and a modified plat, as requested by the I.P.B., had been prepared. The Chairman verified the resolution of approval had been revised to reflect minor but necessary changes. Mr. Sirignano said the Applicant will deposit five-thousand dollars in an escrow account as partial payment for work undertaken by Village employees and consultants on this Application.

Upon motion duly made and seconded, the Board voted to adopt the “Resolution of the Village of Irvington Planning Board for Approval of Final Subdivision Plat Approval and Approval of Final Site Development Plan for the Conversion of the Former Metropolitan Transportation Authority Electrical Substation to a Mixed Use Multi-family and Municipal or Public Facility.” The Board members signed the Resolution (see attached). The signing of the subdivision plat was deferred pending fulfillment of the conditions contained in the Resolution.

IPB Matter #01-56:

**Application of John & Tara Mascone for
Site Development Plan Amendment to
property at 1 Shady Lane.**

Mr. Dan Stoica of Tobias Guggenheimer, AIA, represented the Applicant, who is proposing a modification of a previously approved site plan (IPB Matter #2001-56, approved November 14, 2001). The Applicant submitted plans entitled Mascone Residence by Tobias Guggenheimer, architect P.C., dated August 20, 2002. The Applicant wishes to enlarge a previously approved porch by approximately 70 square feet.

Mr. Marron said the proposed coverage is satisfactory. There were no comments from the public or Mr. Mastromonaco.

The Board determined that the application is for a Type II Action under SEQRA. Upon motion duly made and seconded, the Board adopted the following resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #02-41:

Application of Dan & Elise Gilbert for Site Development Plan Approval for Property at 20 Hillside Terrace.

Mr. Michael Gallin, architect, and Elise Gilbert appeared before the Board. The Chairman recused himself, and Mr. Jenkins presided. The Applicant is proposing to construct a two-story addition to a single-family residence. The Applicant submitted plans, entitled Gilbert 20 Hillside Terrace, by Michael Louis Gallin, architect, dated August 21, 2002, six sheets.

Mr. Marron said the proposal poses three issues: the project's distance from the property line; extension of a non-conforming lot; and a structure with three stories; he noted that the Zoning Board of Appeals will need to consider a variance on all three of these issues. He also said a better survey than that submitted to the I.P.B. is necessary, and that grading should be shown clearly. Mr. Gallin said an eight-inch spruce tree will be removed.

The Board determined that the Application was otherwise complete, and set a public hearing to consider site development plan approval for the October meeting.

IPB Matter #02-39:

Application of Ardsley Country Club for Waiver

**of Site Development Plan Approval for property
at North Mountain Drive.**

Anthony Schembri, of Radislav Opacic Architects, and Ted Hennes, manager of the Ardsley Country Club, appeared before the I.P.B. The Club is proposing to construct a service/storage-room addition to the existing clubhouse. The Applicant submitted plans entitled, Ardsley Country Club by Radislav Opacic Architects, dated August 16, 2002, 13 sheets. The Applicant submitted evidence of publication.

Mr. Jenkins and Mr. Montgomery, as members of the Club, recused themselves. Mr. Joseph Elliott, ad hoc member, participated in the discussion. Mr. Mastromonaco, in a memorandum to the Board, also recused himself, since he is being considered for engineering work related to other proposed golf course renovations at the Club. Mr. Marron had no engineering concerns.

There were no comments from the public, and the Board noted that the proposed construction would take place in an area that is presently paved or improved, and that no trees would be removed. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

The Board discussed the relatively small size of the proposed construction, but determined it could not grant a waiver given the size of the overall property. As such, the Board, upon motion duly made and seconded, granted site development plan approval.

IPB Matter #01-26:

**Application of Danfor Realty for Subdivision
Approval for Property Adjoining Harriman
Road.**

Mr. Paul Petretti, civil engineer and land surveyor, represented the Applicant. This matter is a continuing application for preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved).

The Chairman cited a letter from Mr. Stephen Lopez of Tim Miller Associates, dated September 4, 2002, stating that the revised Environmental Assessment Form had been received and that three concerns should be addressed before final approval: details on drainage mitigation; the identification of proposed tree removals on plans; and an agreement form for the temporary closure of Shady Lane. The Chairman, with the Applicant's consent, requested that Mr. Lopez start work on a SEQRA findings statement for the Board's consideration.

The Chairman also said there should be more discussions with neighbors regarding their concerns about the Application, particularly access. Several residents voiced concerns, including the adequacy of vehicular access to their property during construction; whether the "green areas" to be preserved on the tract are to be as large as the plans indicate; the environmental damage that would be done by digging up and

widening Shady Lane; and whether the metes and bounds description of the property were correct (with regard to the property line between the subject and the Brennan property).

Mr. Petretti noted that the metes and bounds of the property were correct. He said the subdivision maps and plans conform to Village regulations, and that a transfer of land along Shady Lane would be considered. He clarified the “green areas” and outlined plans for access, the handling of construction activity and vehicles, and the installation of utilities.

The Chairman asked Mr. Petretti to confirm the boundaries of the tract and parcels and to meet with the residents to develop an access plan. The Chairman also requested that the Environmental Conservation Board review the Environmental Assessment Form, that Mr. Petretti enlist the services of an arborist and that consideration be given to involving the Tree Commission. The Board continued this matter.

IPB Matter #02-38:

Application of Frank Petrilli & Diana Torres-Petrilli for Site Development Plan Approval for Property at 22 Connor Court.

Mr. Nicolas Yuschak, landscape architect, and Mr. Robert Pryor, professional engineer, represented the Applicant. This application, previously heard at the August 7, 2002 Planning Board meeting, involves site development plan approval for the construction of an in-ground swimming pool with related spa, equipment and to expand the existing deck and driveway turnaround. The Applicant submitted plans entitled:

- a. Site Utility Plan prepared for Petrilli Residence dated July 24, 2002, revised August 21, 2002 by McChord Engineering Associates Inc.
- b. Layout & Grading Plan prepared for Petrilli Residence dated March 15, 2002, revised August 21, 2002 by Environmental Design Associates, P.C.
- c. Planting & Fencing Plan prepared for Petrilli Residence dated March 15, 2002, revised August 21, 2002 by Environmental Design Associates, P.C.

The Chairman opened a public hearing. Mr. Mastronmonaco, in his memorandum of September 4th, indicated that the Applicant had addressed his previous comments. Comments from the ECB were also addressed. As a result of these and other comments, the current plan will, among other actions, relocate the fence outside of the wetlands, move the buffer planting, result in additional tree-protection measures including the installation of snow fencing; truck water in and out of the property; and put in about \$15,000 of new landscaping. They also agreed to the Chairman’s request that 2 to 3 hardwood trees be planted.

There were no further comments from the public. The Chairman closed the public hearing. The Board determined that this application would be treated as a Type II action under SEQRA, and granted Site Development Plan Approval.

IPB Matter #02-11:

**Application of Geraldine McGowan-Hall for
Site Development Plan Approval for Property at
200 Mountain Road.**

Mr. Hall appeared before the Board. He is proposing to renovate and expand an existing house and is also proposing to install a drain in the existing driveway and close one of two driveway entrances. The Applicant had previously submitted historical and current documentation requested by the I.P.B.

The Chairman cited a letter from The Environmental Conservation Board (memo dated September 4, 2002) and Tom Jackson, ECB's representative affirmed the contents of that letter. ECB concerns included: alterations to the property were made that were not part of the site plan; the house had been enlarged without a requisite change in the septic system; trees had been removed; and, in general, significant environmental damage had been done to the property.

The Chairman, together with Mr. Marron, suggested that the Applicant work with the ECB to discuss actions that might be taken to mitigate the damage done to the property, including the impact on the stream at the site. The Chairman said the Applicants should not return to the IPB until such discussions had occurred and a plan, satisfactory to the ECB, developed.

The Board continued this matter.

IPB Matter #02-26:

**Application of Michael-Jason Development
Corp. for Site Development Plan Approval
for property at 4 Dows Lane.**

There was no appearance on behalf of the application; given that this is the second meeting in a row with no appearance, the Application was removed from the Agenda.

IPB Matter #02-37:

**Application of Alex & Lori Riseman for Site
Development Plan Approval for property at
6 Meadow Way.**

Applicant requested carry-over to the October 2, 2002 meeting.

The Board approved the June Minutes and adjourned the meeting at 10:25 p.m.

The next regular meeting of the Board will be at 8:00 p.m. on October 2, 2002.

Respectfully submitted,

Walter Montgomery
Secretary